



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

27 SEP 1999

Operations Division
Regulatory Branch

Letters to the Editor
"Audubon"
700 Broadway
New York, New York 10003

Dear Editor:

The article by Mr. Ted Williams entitled "Who Can Save A Wetland" in your issue of September/October 1999, unfairly characterized the U.S. Army Corps of Engineers as not considering recommendations by the U.S. Fish and Wildlife Service (FWS) about applications for Corps permits. We are concerned about many of the points made in the article, and will address some of them below.

The Corps is committed to environmental protection. We regard the Regulatory Program under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act as playing an important role in the protection of the Nation's aquatic resources. Over two thirds of the 1,100 staff members have a natural sciences degree in biology, fish and wildlife resource management, forestry, or similar disciplines which ensures that the Corps carefully considers the impacts of projects on the environment.

It is important to remember that employees working in our Regulatory Program are charged with the task of making recommendations and decisions that affect the economy of the Nation, as well as the environment. Environmental protection is a primary focus of our Regulatory Program, however, our rigorous evaluation process requires that we give consideration to a number of other factors, including impacts on other human interests such as the economy. Corps regulators strive to make fair reasoned decisions and we welcome advice and recommendations from resource agencies like the FWS and the public at large. Permit applications that are approved by the Corps must pass the dual tests of environmental soundness and public interest. Reaching those decisions involves a difficult balancing process.

Regarding the specific cases in your article, consider first the Route 220 case. The ridge resources along the selected alignment are not unique locally or regionally in fact they are relatively abundant. The Corps had to weigh the loss of those resources against the loss of the unique human resources located along the valley alternative. In addition to aquatic resources on the valley floor, the project would have adversely impacted "century" farms – those held in one family for over 100 years. The Corps weighed and evaluated the impact and benefits of both those alternatives. During that evaluation it became clear that the ridge alignment represented

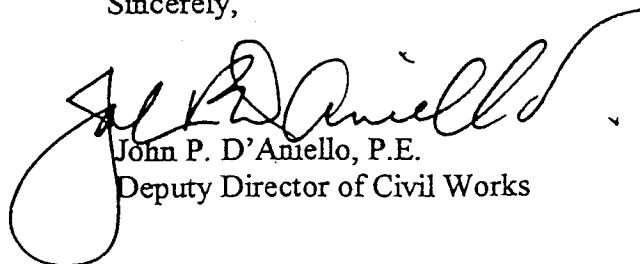
the least environmentally damaging practicable alternative. After a careful evaluation of the issues raised by the FWS and the documentation on the District's decision, the Assistant Secretary of the Army for Civil Works agreed with the District's conclusion. One should note that this second evaluation included a careful review of the entire record, a field site visit, and a meeting with both the FWS and the applicant present. All of these steps were taken to provide a factual basis for reaching a fair and reasoned decision.

In the North Star case, the Corps conducted a thorough evaluation and concluded that the project would not result in substantial and unacceptable adverse impacts to the aquatic environment if performed in accordance with conditioned permits from the Corps and State of Alaska. We also found there was no other alternative that would have less adverse impact on the aquatic environment. In addition, and this is an important omission from the article, after the inclusion of special conditions in the permit, the resource agencies, with the exception of the FWS, agreed that there was adequate protection for the aquatic resource. Moreover, regarding polar bears, the Corps analysis concluded that the potential impacts were the least under the proposed permit as conditioned. Once again, after a careful analysis, the Assistant Secretary of the Army for Civil Works agreed with the Corps.

In conclusion, let me reiterate that the Corps Regulatory Program protects the Nation's waters by permitting only those projects that have passed the tests of environmental soundness and public interest. We have many partners in this endeavor, and the FWS is certainly an important contributor. However, the Corps must make our final decisions based on all of the input we receive. Rarely is any one group completely satisfied with the outcome of that process. When environmental resources, and aquatic resources in particular are at risk, the Corps makes the decision that eliminates, minimizes or compensates for any adverse damages that can reasonably be expected to occur. The public should expect us to do no less. The public should also expect that its interest in economic development should be fairly represented in permitting decisions that result in projects without undue environmental impacts. I can assure them that their interests are being represented in a professional and fair manner. Had it been otherwise, the elevation of these two cases to the Corps Headquarters and the Assistant Secretary for Civil Works would have had a different outcome.

Finally, I encourage you and your readers to continue your involvement in the Regulatory Program. I fully endorse your efforts to express your concerns and recommendations about proposed permit applications. Together we can act fairly, effectively, and efficiently for protection of the Nation's resources, whether they are environmental or economic.

Sincerely,



John P. D'Amiello, P.E.
Deputy Director of Civil Works